

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

United States of America	:	
	:	
v.	:	Case No. 3:95cr186 (JBA)
	:	
Robert H. Haines, III.	:	

**ORDER ON MOTION FOR TURNOVER OF FUNDS [DOC. # 63] AND
MOTION FOR MODIFICATION OF RESTITUTION ORDER [DOC. # 65]**

The Government has moved for an order directing escrow agent Robinson & Cole, LLP to immediately turn over and deposit with the Clerk of Court \$16,880.000 pursuant to this Court's Writ of Execution issued on December 16, 2005, which amount constitutes the settlement proceeds due to defendant, less attorney fees owed to his counsel, from civil litigation initiated by defendant in Tennessee. See Mot. for Turnover [Doc. # 63]. Defendant opposes the Motion, arguing that the proceeds from the lawsuit are wages which are not subject to attachment, and requesting a hearing "to determine who is entitled to the funds and for the purpose of ruling on defendant's motion for a Modification of the Restitution Order." Obj. to Mot. for Turnover [Doc. # 66]. Defendant moves for modification of the restitution order [Doc. # 65] on grounds that his "financial position has and will continue to deteriorate and constitutes a material negative change in his economic situation," arguing that "there is no way that he will be able to make restitution," which order was originally for \$325,583.05, with a current balance, per the Government's representation, of \$483,486.30 including interest.

Having fully considered the Government's Motion for Turnover

of Funds, and having reviewed defendant's arguments in opposition thereto and having found them to be without merit, it is hereby ORDERED that the Government's Motion [Doc. # 63] is GRANTED and that the escrow agent, Robinson & Cole, LLP immediately turn over the sum of \$16,880.00 by check made payable to "Clerk, United States District Court" and referencing "Docket No. 3:95cr186 (JBA)," and mail said check to the United States District Court Clerk's Office, 141 Church Street, New Haven, Connecticut, 06510. Upon receipt, the Clerk of Court is directed to apply the payment to the outstanding restitution balance owed in this case. It is further ORDERED that upon receipt of any other sums levied pursuant to the Writ of Execution issued by this Court on December 16, 2005, the escrow agent, Robinson & Cole, LLP shall immediately turn over said funds in accordance with these instructions. As to defendant's request for a hearing, such request is untimely as it was made well beyond the 20 days following notice of a writ of execution allowed by 28 U.S.C. § 3202(d) of the Federal Debt Collection Procedures Act and, moreover, having found no merit to defendant's arguments, a hearing is unnecessary.

As to defendant's Motion for Modification of Restitution Order [Doc. # 65], such motion is DENIED inasmuch as defendant has provided no financial statement or other information to support his claim that he has experienced a "material negative chance in his economic situation" to justify alteration of the original restitution order, which defendant appears to believe is

moot in any case, as he has not made payment pursuant to that order since January 2001.

IT IS SO ORDERED.

/s/
Janet Bond Arterton
United States District Judge

Dated at New Haven, Connecticut this 25th day of January, 2007.